

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: July 27, 2020

BONNIE FORMAN-FRANCO,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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UNPUBLISHED

Case No. 15-1479V

Special Master Dorsey

Damages Award; Proffer; Influenza (“Flu”) Vaccine; Shoulder Injury Related to Vaccine Administration (“SIRVA”).

Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for petitioner.

Adriana Ruth Teitel, United States Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On December 7, 2015, Bonnie Forman-Franco (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“the Program”).² Petitioner alleges that she suffered a shoulder injury, as a result of an influenza (“flu”) vaccine administered on December 30, 2013. Petition at Preamble. On December 19, 2019, the undersigned issued a ruling finding petitioner entitled to compensation. Ruling on Entitlement, dated Dec. 19, 2019 (ECF No. 113).

On July 24, 2020, respondent filed a Proffer on Award of Compensation (“Proffer”), attached hereto as Appendix A. (ECF No. 125). In the Proffer, respondent represented that

¹ Because this Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. § 300aa.

petitioner agrees with the proffered award. Proffer at 1. Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, the undersigned awards:

A lump sum payment of \$95,000.00 in the form of a check made payable to petitioner, Bonnie Forman-Franco, for pain and suffering.

Proffer at 1.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** herewith.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.